



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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SULLIVAN COUNTY SUPPORT SERVICES,	:		
AFSCME, LOCAL 3438	:		
	:		
Complainant	:		
	:	CASE NO. A-0572	
v.	:		
	:	DECISION NO. 93-152	
SULLIVAN COUNTY	:		
	:		
Respondent	:		
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APPEARANCES

Representing Sullivan County Support Services, AFSCME:

James C. Anderson, Staff Representative

Representing Sullivan County:

Mark Hathaway, Esq.

Also appearing:

- Sherry Jones, Sullivan County
- Brenda Carney, Sullivan County
- Robert Hemenway, Sullivan County
- Cathy Thurston, Sullivan County
- Janice Heighes, Sullivan County
- Ethel Jarois, Sullivan County
- Harold Tawery, Sullivan County
- Art Porter, Sullivan County
- Arnold Greenleaf, Sullivan County

BACKGROUND

Sullivan County Support Services, AFSCME Local 3438 (Union) filed a Petition for Certification on July 26, 1993 for the following employees of Sullivan County (County), namely, Human Services Administrator (1), Accounts Payable Clerk (1), Payroll Clerk (1), Soil Conservation Technician (2), Administrative Assistant (1), Registry Clerk (3), Secretary (1), Administrative Secretary-Sheriff's Department (1), Janitor (1), Deputy Registrar

(1), and Account Clerk (1). Specifically excluded as supervisory were the Sheriff, Register of Deeds, County Attorney, County Coordinator and Business Manager. No confidential exclusions appeared on the petition. The County filed its answer on August 6, 1993 which raised exceptions to several of the positions petitioned for by the Union. Comparison of the County's answer to the Union's petition indicated no dispute as to inclusion of the Accounts Payable Clerk, Registry Clerk, Secretary (at Sheriff's Office) and Account Clerk in the proposed bargaining unit. Contested positions are Human Service Administrator, Payroll Clerk, Soil Conservation Technician, Administrative Assistant, Administrative Secretary, Janitor and Deputy Registrar.

This matter was heard by the Public Employee Labor Relations Board on October 28, 1993, following an earlier continuance sought and obtained by the Union. During the hearing on October 28, 1993, the Union withdrew the position of Deputy Registrar from further consideration under the petition.

FINDINGS OF FACT

1. Sullivan County is a "public employer" within the meaning of RSA 273-A:1 X.
2. The County maintains job descriptions for each of the six contested positions and compensates those individuals for their respective services. With the exception of one year of post secondary education or equivalent experience and education appearing on the Conservation Technician's job description, there are no post-secondary educational or degree requirements for any of the contested positions. Thus, none of the non-contested or contested positions requires "formal advanced study" as contemplated under RSA 273-A:1 VIII.
3. Both contested and non-contested positions render services to and on behalf of the County, although, those services may be rendered at different locations. There is no evidence of any exceptions in personnel policies or fringe benefits as they apply from one job classification to another, i.e., it appears that both contested and non-contested positions share the same fringe benefits package, frequency of payment of wages, source of payment of wages, and personnel policies as promulgated by the County.
4. The Administrative Assistant works for and under the supervision of the County Attorney, who, in turn, is responsible for the County's labor relations advice and legal representation as of January 1, 1993. As such, the Administrative Assistant

labor relations pleadings and correspondence, and may be familiar with position and work rule changes before they are announced.

5. The Janitor is required to maintain the Newport Complex "in a clean, sanitary and safe condition." He/she works "business hours" from 7:30 a.m. to 4:30 p.m. Monday through Thursday and from 4:00 p.m. to 8:00 p.m. on Fridays. This position is supervised by the County Coordinator. Cleaning and maintenance responsibilities are within normal expectations and require no special expertise or academic preparation.
6. The Conservation Technician (also Soil Conservation Technician) works with land users, land owners, representatives of local government and individuals seeking training at various locations "in the field" throughout the County. Specialized experience includes "technical work in soil and water conservation [to]...provide knowledge and skills sufficient to advise and assist farmers, ranchers and community landowners on the installation and maintenance of conservation practices." This employee must have proficiency in conservation practices, recording land use data and communicating about soil and water conservation measures and techniques. There are no post-secondary degree requirements. The position reports to the District Manager for the Sullivan County Conservation District which is neither a petitioned-for nor specifically excluded position.
7. The Payroll Clerk works under the supervision of the County Coordinator, processes the payroll and benefits plans, reviews time records, and monitors usage of sick leave, bereavement leave, and vacation. He/she establishes and maintains payroll and personnel files. He/she prepares monthly reports, pays Retirement System contributions, and monitors due dates of employee evaluations. The Payroll Clerk has prepared projections on costs of wage increases and changes in employer rates of contribution pertaining to insurance benefits. There is no evidence that these projections utilized other than public documents concerning numbers of employees or costs of current benefits. The job description for the Payroll Clerk sets forth no confidential labor relations or collective bargaining functions.
8. The Human Services Administrator works under the supervision of the County Coordinator and is responsible for processing monthly Old Age Assistance, Aide to the Permanently and Totally Disabled, Intermediate

Nursing Care and Board and Care of Children bills. His/her functions are primarily clerical and involve setting up and maintaining files, reviewing applications for assistance, checking monthly bills submitted to the State, ensuring that financial affidavits are on file, and preparing the County's Human Services Budget. Neither the testimony nor the job description indicated any confidential or supervisory functions which would warrant exclusion under either RSA 273-A I IX (c) or 273-A:8 II, respectively.

9. The Administrative Secretary works at the Sheriff's Department under the supervision of the Sheriff. She supervises the uncontested Secretary position also at the Sheriff's Department. She and the Sheriff maintain and have access to personnel files within that Department. This position does not possess the authority to hire, fire or discipline. Technical work includes, but is not limited to, processing units, capias petitions, civil complaints, scheduling transportation of arrested or convicted individuals and juveniles, and administering daily non-law enforcement functions of the Department.

DECISION AND ORDER

Our findings indicate that the Administrative Assistant should be excluded as a confidential employee under RSA 173-A:1 IX (c). Likewise, they also indicate that the Administrative Secretary at the Sheriff's Department exercises some supervisory authority over another bargaining unit employee under RSA 273-A:8 and, therefore, should be excluded. We conclude that all other contested positions should be included so that the unit, including both contested and uncontested positions, will consist of the positions of Accounts Payable Clerk (1), Payroll Clerk (1), Soil Conservation Technician (1), Registry Clerk (3), Secretary-Sheriff's Office (1), Janitor (1), Account and Clerk (1), and Human Service Administrator (1).

So ordered.

Signed this 10th day of December, 1993.



 EDWARD J. HASELTINE
 Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.
Members Seymour Osman and E. Vincent Hall present and voting.